

Application No. 10/511,888

AMENDMENT

Reply to Office Action of July 1, 2008

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listing, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A matrix with a bioactive component containing phospholipid, the matrix containing 15 [[5]] to 40 [[98]]% by weight phosphatidyl serine (PS) and 1 to 90% by weight phosphatidyl choline (PC) as the bioactive component, and ~~in addition~~ 1 to 94% by weight of at least one further other matrix component from the series comprising, the further matrix component selected from the group consisting of 20 to 50 weight percent fat component of vegetable and/or animal origin, 5 to 20 weight percent wax component, 2 to 20 weight percent polyalcohol component, and other 1 to 5 weight percent physiologically compatible additive, additives, and combinations ~~thereof the other matrix components being selected such that the total matrix is solid or paste like at room temperature and exhibits property of shear dilution.~~

2. (Currently Amended) The matrix as claimed in claim 1, wherein the bioactive component contains 10 to [[40]] 30% by weight of phosphatidyl serine.

3. (Previously Presented) The matrix as claimed in claim 1, wherein the bioactive component contains 2.0 to 20% by weight of phosphatidyl choline.

4. (Canceled)

5. (Currently Amended) The matrix as claimed in claim 1, wherein [[it]] the matrix contains:

a fat component selected from the group consisting of refined, hydrogenated, and/or fractionated fats fat, and combinations thereof, and in particular those that are rich in omega 3 and/or omega 6 fatty acids such as docosahexaenoic acid, arachidonic acid, eicosapentaenoic acid and conjugated linolenic acid, free fatty acids, in particular omega 3 and omega 6 fatty acids,

a wax component selected from the group consisting of bee wax, candellila wax, shellac, paraffin, monoglycerides, [or] diglycerides, and combinations thereof,

a polyalcohol component selected from the group consisting of polyethylene glycol, polysorbate, polyglycerol esters, sugar esters, [or] sorbitan esters, and combinations thereof, and

physiologically compatible additive selected from the group consisting of tocopherols, derivatives of tocopherols, and derivatives thereof, tocotrienols, derivatives of tocotrienols, and derivatives thereof, polycosanols, derivatives of polycosanols, and derivatives thereof, vitamins, derivatives of vitamins, such as vitamin C and E also in a derivatized form, amino acids, in particular the essential, branched and non proteinogenic amino acids such as theanine, amino acid derivatives such as creatine, taurine, carnitine, phytosterols, derivatives of phytosterols, and derivatives thereof, (poly)phenolic compounds, derivatives of (poly)phenolic compounds, and derivatives thereof such as catechol, phenolic acids, such as gallie acid, hydroxycinnamic acids, coumarins, (iso)flavonoids such as quercetin or genistein, lignans, and lignins, as well as tannin, saponins, mono-, sesqui- and di-terpenes, carotenoids, such as beta-carotin, lutein or lycopin, glucosinolates, roughage, such as non-starch polysaccharides, extracts of vegetable and/or animal origin, physiologically

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active proteins, such as lactoferrin and glycomacropeptide, glycolipids, such as sphingosine or (phyto)sphingomyelin and/or mineral components, and combinations thereof.

6. (Currently Amended) The matrix as claimed in claim 1, wherein the matrix is coated with [[has]] a water-containing coating. ~~coat~~.

7. (Currently Amended) The matrix as claimed in claim 6, wherein the coat has a water content of 1.0 to 10.0% by weight based on total coating. ~~coat~~.

8. (Currently Amended) The matrix as claimed in claim 6, wherein the coating [[coat]] comprises a coating component selected from the group consisting is composed of gelatin, glycerol, sugar (alcohols), starch, polysaccharides and mixtures thereof.

9. (Currently Amended) The matrix as claimed in claim 8, wherein the coating comprises sugar (alcohols) and polysaccharide, wherein the sugar (alcohol) comprises ~~coat contains~~ sorbitol as sugar alcohol and the polysaccharide is selected from the group consisting of carrageenans, alginates, and/or pectins, and mixtures thereof as polysaccharide.

10. (Currently Amended) The matrix as claimed in claim 8, wherein the ~~coat~~ coating further comprises an additive selected from the group consisting of ~~contains~~ silicon dioxide, calcium carbonate, dyes that are suitable for foods, colour pigments, and/or talcum, and combinations thereof as further additives.

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11. (Currently Amended) The matrix as claimed in claim 6, wherein the weight ratio of the coating ~~coat~~ to bioactive component is 1:0.25 to 10.0.

12. (Previously Presented) The matrix as claimed in claim 1, having a total diameter of 0.3 to 20 mm.

13. (Canceled)

14. (Canceled)

15. (Currently Amended) A method ~~Method~~ for strengthening ability to ~~cop~~ cope with mental and/or physical stress and functional capacity, for improving well-being, for promoting and/or preserving health and for preventing elevated levels of serum cholesterol in a subject, comprising the steps of: a) providing a matrix as claimed in claim 1; b) producing a pharmaceutical preparation comprising ~~said~~ the matrix; and c) administering an effective amount of ~~said~~ the pharmaceutical preparation to ~~said~~ the subject.

16. (Previously Presented) The matrix as claimed in claim 1, wherein the bioactive component contains 15 to 30% by weight of phosphatidyl serine.

17. (Canceled)

18. (Currently Amended) The matrix as claimed in claim 6, wherein the weight ratio of the ~~coat~~ coating to bioactive component is 1:1 to 5.0.

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19. (New) The matrix as claimed in claim 5, wherein the fat component comprises fatty acids selected from the group consisting of docosahexaenoic acid, arachidonic acid, eicosapentaenoic acid, conjugated linolenic acid, and mixtures thereof.

20. (New) A matrix with a bioactive component containing phospholipid, the matrix comprising a bioactive component consisting essentially of 15 to 40 % by weight phosphatidyl serine and 1 to 90% by weight phosphatidyl choline, and the matrix further comprising 1 to 94% by weight of at least one further matrix component, the further matrix component selected from the group consisting of 20 to 50 weight percent fat component, 5 to 20 weight percent wax component, 2 to 20 weight percent polyalcohol component, 1 to 5 weight percent physiologically compatible additive, and combinations thereof, wherein the bioactive component and the further matrix component are in amounts and ratios which are effective to (a) make the bioactive component containing matrix solid or paste-like at room temperature and (b) provide the bioactive component containing matrix with the property of shear dilution.

21. (New) A method for providing a stable pharmaceutical preparation which includes phospholipids, the method comprising:

providing a matrix comprising a bioactive component which includes 15 to 40 % by weight phosphatidyl serine and 1 to 90% by weight phosphatidyl choline, and 1 to 94% by weight of at least one further matrix component, the further matrix component selected from the group consisting of 20 to 50 weight percent fat component, 5 to 20 weight percent wax component, 2 to 20 weight percent polyalcohol component, 1 to 5 weight percent physiologically compatible additive, and combinations thereof; and

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balancing the amount of bioactive component and the further matrix component in amounts and ratios which are effective to (a) make the bioactive component containing matrix solid or paste-like at room temperature and (b) provide the bioactive component containing matrix with the property of shear dilution.

22. (New) A matrix with a bioactive component containing phospholipid, the matrix containing 15 to 40 % by weight phosphatidyl serine and 1 to 90% by weight phosphatidyl choline as the bioactive component, and 1 to 94% by weight of at least one further matrix component, the further matrix component selected from the group consisting of 20 to 50 weight percent fat component, 5 to 20 weight percent wax component, 2 to 20 weight percent polyalcohol component, 1 to 5 weight percent physiologically compatible additive, and combinations thereof, wherein the at least one further matrix component is effective to (a) make the the bioactive component containing matrix solid or paste-like at room temperature and (b) provide the bioactive component containing matrix with the property of shear dilution.

23. (New) The matrix as claimed in claim 22, wherein the bioactive component contains 10 to 30% by weight of phosphatidyl serine and 2.0 to 20% by weight of phosphatidyl choline.

24. (New) The matrix as claimed in claim 22, wherein the matrix is coated with a water-containing coating, the coating comprising a coating component selected from the group consisting of gelatin, glycerol, sugar (alcohols), starch, polysaccharides and mixtures thereof.